

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Maryland)

DIANNE K. VAN ROSSUM

\*

Plaintiff

\*

v.

\*

Civil Action No.: JKB-14-CV-00115

BALTIMORE COUNTY, MARYLAND

\*

Defendant

\*

\* \* \* \* \*

**DEFENDANT'S REPLY TO THE PLAINTIFF'S RESPONSE IN OPPOSITION TO THE  
DEFENDANT'S MOTION TO DISMISS FOR UNTIMELY FILING**

Baltimore County Maryland, Defendant, by undersigned counsel, respectfully submits this Reply to the Plaintiff's Response in Opposition to the Motion To Dismiss and in support thereof states:

1. Absent waiver, estoppel or equitable tolling a lawsuit filed in excessive of the ninety-day period will be dismissed. *Zipes v. Trans World Airlines, Inc.*, 445 U.S. 385, 392-393, 102 S. Ct. 1127, 71 L. Ed. 2d 234 (1982).
2. In her Response in Opposition, Plaintiff admits she chose not to file a claim pursuant to the Notice of Right to Sue issued April 19, 2013, attached as Ex. 1 To the Motion To Dismiss.
3. Voluntarily choosing not to file her claim does not constitute waiver, estoppel or grounds for equitable tolling of the ninety-day period for filing a lawsuit.
4. Plaintiff was clearly on notice of her rights and obligations. The ninety-day time period is to be strictly construed.

Respectfully submitted

/s/

JAMES S. RUCKLE, JR. (#04791)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of June, 2014 a copy of the Defendant's Reply To The Plaintiff's Response In Opposition To The Defendant's Motion To Dismiss For Untimely Filing was mailed, postage pre-paid, to:

Dianne K. Van Rossum  
1702 Cottage Cove Circle  
North Myrtle Beach, SC 29582

\_\_\_\_\_/s/\_\_\_\_\_  
JAMES S. RUCKLE, JR.  
Assistant County Attorney